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BEFORE THE

**Federal Communications Commission**

WASHINGTON, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )  
 )  
Amendments of Parts 15 and 90 )  
of the Commission's Rules )  
Provide Additional Frequencies )  
for Cordless Telephone )

ET Docket No. 93-235

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To: The Commission

**PETITION FOR RECONSIDERATION**

The American Petroleum Institute ("API"), pursuant to Section 1.429(d) of the Rules and Regulations of the Federal Communications Commission ("Commission"), by its attorneys, hereby respectfully submits this Petition for Reconsideration in the above-styled proceeding.<sup>1/</sup>

**I. PRELIMINARY STATEMENT**

1. API is a national trade association representing approximately 300 companies involved in all phases of the petroleum and natural gas industries, including exploration, production, refining, marketing, and transportation of petroleum, petroleum products and natural gas. Among its many activities, API acts on behalf of its members as

<sup>1/</sup> Report and Order, 60 Fed. Reg. 21984 (May 4, 1995) [hereinafter "Order"].

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spokesperson before federal and state regulatory agencies. The API Telecommunications Committee is one of the standing committees of the organization's Information Systems Committee. One of the Telecommunications Committee's primary functions is to evaluate and develop responses to state and federal proposals affecting telecommunications services and facilities used in the oil and gas industries. Consistent with that mission, it also reviews and comments, where permitted, on other proposals that impinge on the ability of the energy industries to meet their telecommunications needs.

2. The petroleum and natural gas industries pioneered the use of two-way mobile radio for industrial applications. Notwithstanding the advent of additional communications options, the oil and gas industries continue to be very significant users of private land mobile radio systems for several reasons, the most important of which is reliability. Public switched systems frequently become incapacitated during emergency conditions because of peak subscriber demand. Private systems which operate on frequencies protected from interference and disruption are essential in these circumstances to ensure the ongoing safe execution of energy operations where hazardous conditions could develop without reliable communications.

3. The Commission determined in this matter to amend its rules to permit the operation of cordless telephones on fifteen (15) channels in the band 48/49 MHz that are currently dedicated for two-way mobile radio use in the Petroleum and Forest Products Radio Service. API's membership includes many licensees in the Petroleum Radio Service ("PRS") who are authorized by the Commission to employ these channels for critical two-way mobile radio communications systems. These licensees continue to be deeply concerned with the ultimate consequences of the rule amendments adopted by the Commission. In view of these concerns, API is compelled to submit this Petition for Reconsideration.

## **II. PETITION FOR RECONSIDERATION**

4. API filed Comments and Reply Comments on December 8, 1993 and December 23, 1993, respectively, that opposed making the 15 channels available for cordless telephone use. This opposition was based, in large part, on concern that growing interference caused to these devices by the Private Land Mobile Radio Service ("PLMRS") licensees would ultimately result in sufficient complaints to pressure the FCC to formally reallocate the channels for exclusive cordless telephone use. Under the Order, these 15 new

channel pairs will be utilized in conjunction with an existing allocation of 10 channel pairs previously set aside for cordless telephone use, thus allowing for the production of 25-channel cordless telephones.

5. Cordless telephone manufacturers reportedly intend to sell between 16 and 17 million of the devices annually.<sup>2/</sup> API applauds the fact the Order amended Part 15 Rules to require that all cordless telephones using the new channels contain an "automatic channel selection mechanism"<sup>3/</sup> and that the mechanism must operate from both the cordless telephone handset and base station. In this regard, the Commission said:

In response to API's concern, we are clarifying that the automatic channel selection mechanism must prevent establishment of a link if either the base transmission frequency or the handset frequency is occupied.<sup>4/</sup>

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<sup>2/</sup> Statement of Dr. J.E. Padgett, AT&T. Meeting of March 7, 1995 between the Telecommunications Industry Association ("TIA") Mobile & Personal Communications Division Radio Section and representatives of the UTC, The Telecommunications Council and API.

<sup>3/</sup> Order at ¶ 24.

<sup>4/</sup> Id.

6. Yet, a very critical concern remains. The operative language in the rules provides that the automatic channel selection mechanism must prevent "establishment" of a link between the cordless telephone base station and handset if a frequency is occupied by PLMRS operations. Thus, the rules do not fully protect against interference to the PLMRS if the PLMRS user commences operation on a frequency after a cordless telephone has already established a link on that channel. API submits that the rules should be amended to mandate that manufacturers design the telephones so that they automatically switch to an unused channel when they detect a PLMRS operation on that channel regardless of when the operation occurs -- prior to or during the telephone communication.

7. With cordless telephones flooding the marketplace at the rate of 16-17 million per year, the opportunity for significant interference to telephone consumers appears inescapable. The Order ignores treating this concern in a constructive manner.

We similarly are not persuaded that interference to cordless telephones from PLMRS operations is likely to be a serious problem that would make the proposed frequencies unsuitable for cordless telephone use. Notwithstanding the claims of API, FIT and UTC, it

appears that PLMRS use of the proposed frequencies is very light to non-existent in most densely populated areas.<sup>5/</sup>

There are three fundamental flaws in this reasoning because:

(1) all cordless telephone users will not be located in densely populated areas that also happen to be free of PLMRS operations; (2) over time, population growth and shifting may place more PLMRS operations in densely populated areas; and (3) cordless telephone usage spikes sharply during emergencies, thus increasing the likelihood of interference when PLMRS operations may be needed most.

8. In the absence of an FCC determination requiring manufacturers to produce equipment that automatically switches to an unused channel pair whenever PLMRS operation occurs, API requests that the existing Part 15 labelling requirements for these devices be strengthened.<sup>6/</sup> The purpose of this strengthening is to raise consumer awareness as to the type of device they are purchasing. Without strengthened equipment labelling, API is extremely concerned that the eventual inundation of the market with these

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<sup>5/</sup> Order at ¶ 17.

<sup>6/</sup> The current labeling requirements are found at Sections 15.19(a) and 15.214(c). 47 CFR §§ 15.19(a) and 15.214(c).

devices, coupled with population growth in suburban and rural sections of the country will result in inevitable PLMRS to cordless interference scenarios. As such, API requests that the following language be added to the existing Part 15 labeling and placed on a 2-inch by 3-inch block on both the product's exterior packaging and the actual equipment:

*Existing high-power commercial radio users have channels that may coincide with the 15 new **(additional)** cordless telephone frequencies on this enhanced cordless telephone unit. Existing commercial users' radios may cause interference to this cordless telephone set during your telephone conversation and make your conversation difficult to understand, should such a radio be operated nearby. The FCC has recognized the **primary status of the existing commercial users**. You must accept interference to your cordless telephone from these existing users. You have no legal basis for complaint to either the FCC or the commercial radio users.<sup>1/</sup>*

Without mandatory placement of this language on exterior product packaging, many consumers will make purchases unaware of the device's legally binding limitations.

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<sup>1/</sup> Sections 15.19(a) and 15.214(c) require the device, but not the packaging, to be labeled as follows:

This device complies with part 15 of the FCC Rules. Operation is subject to the following two conditions:  
(1) This device may not cause harmful interference, and  
(2) this device must accept any interference received, including interference that may cause undesired operation. Privacy of communications may not be ensured when using this phone.

### III. CONCLUSION

9. The potential for interference-free use of new cordless equipment can be enhanced with equipment that is designed to change channels if a land mobile radio signal is received after the conversation is initiated. Failure to provide this protection reflects a lack of concern for the consumer who ultimately purchases this equipment.

10. It is not reasonable to expect consumers to be familiar with Part 15 of the Commission's rules that reflect the secondary status of cordless telephones operating on the channels that are the subject of this proceeding. It is respectfully submitted that the Commission has a duty to ensure that cordless telephone users are aware of the potential for interference to their conversation. This can be accomplished with the package and equipment labelling recommended herein.



**WHEREFORE, THE PREMISES CONSIDERED,** the American Petroleum Institute respectfully requests the Federal Communications Commission to grant the Petition for Reconsideration.

Respectfully submitted,

**THE AMERICAN PETROLEUM INSTITUTE**

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